



Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*Architectural Access Board*  
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Thomas G. Gatzunis, P.E.  
Commissioner

Thomas P. Hopkins  
Director

### **Board Meeting Minutes – June 2, 2014**

#### **21<sup>st</sup> Floor – Conference Room 1**

#### **Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Director (TH)

#### **Members Not Present:**

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at 9:30 a.m.

#### **1) Discussion: Roll Call**

WW - Call to order all but Raymond Glazier present

#### **2) Discussion: Isaac Hayes Cary Memorial Building, 1605 Massachusetts Avenue, Lexington (V13-238)**

TH - EXHIBIT – Don Mills May 7, 2014 submittal

- Petitioners are seeking amendment to previous decision of the Board regarding height of sconces at the landings of the stairs (protruding objects)

- Petitioners state that placing something on the stairs, would be more of a hazard than the 73” high sconces

*AB - reopen the case*  
*DM - second – Carries unanimously*

*DM - reconsider the decision regarding wall sconces, and therefore grant the variance for the height of the sconces outright without need for cane detection underneath*  
*AB - second – carries with MB abstaining*

TH - next matter is to move the parking to the front entrance and have the herringbone pattern, providing 6 accessible parking spaces and reconsideration of the parking of herringbone pattern for access aisle

*DM - reconsider and accept proposed design for accessible parking at the front entrance*  
*AB - second – carries with MB abstaining*

3) Discussion: 40 Norris Street, Cambridge (V12-293)

TH - EXHIBIT – May 23, 2014 submittal from Dominic Valente  
- pictures of the reach ranges at the elevator, with adjacent steps  
- cost to move the buttons, \$16,000  
- first floor is 45.5”, 2<sup>nd</sup> 46”, 3<sup>rd</sup> 44.5”, and 4th 46”

*DM - grant as proposed*  
*MB - second – carries unanimously*

TH - back entrance to the building  
- EXHIBIT – May 30, 2014 submittal from Mouhab Rizkallah  
- seeking for relief on the slope of the route, 5.4%

*MB - grant as proposed*  
*DM - second – carries unanimously*

TH - two-week time variance for the entrance at the other side of the building  
- the entrance complies, but the sidewalk work is not yet done, which is owned by the City  
- EXHIBIT - May 30, 2014 submittal from Mouhab Rizkallah

*DM - grant two-week time extensions*  
*MB - second – carries unanimously*

4) Discussion: Entrance to Saus, 33 Union Street, Boston (C13-061)

TH - EXHIBIT- pictures submittal from owner

*DM - accept the pictures of compliance*  
*AB - Second – carries unanimously*

5) Discussion: Berkshire Museum, 39 South Street, Pittsfield (V07-170)

TH - EXHIBIT – submittal from owner that elevator is in  
- waiting for final inspection

*MB - accept the report and close the case the matter upon receipt of verification from all that the work is completed*

*DM - second – carries unanimously*

6) Discussion: Mixed Use Building, 299 & 301 Newbury St., Boston (V12-159 & V12-161)

TH - EXHIBIT - plans for installation of vertical wheelchair lift, submitted by Robin Duffy, Senior Property Manager

*MB - accept the plans and reiterate the previous decision about the installation*

*DM - second – carries unanimously*

7) Incoming Discussion: Concord Acton Squash Club, 29 Knox Trail, Acton (V14-087)

TH - EXHIBIT – May 19, 2014 submittal from owner  
- originally requested to remove the existing lift  
- request to take the key out, since keypad would be too expensive  
- need to know if they have kept up with maintenance of the lift

*CS - have TH discuss the matter with the Elevator Board and report back to the Board on June 16<sup>th</sup>*

*DM - second – carries unanimously*

8) Incoming Discussion: East Templeton Elementary School, 160 Patriots Road, East Templeton (V14-099)

TH - EXHIBIT – 5/27/14 letter from Board of Selectman, with new time variance proposed, ramp to be built by September 1, 2015 and toilet rooms by December 1, 2015  
- sought variance for lack of accessible entrance and toilets, and denied by the Board at original review  
- they have also submitted request for hearing

*MB - grant a time variance to have the ramp completed by September 1, 2015 and the bathroom by December 1, 2015, in the interim, need to have a specific accommodation plan to accommodate members of the public to do municipal business at an accessible location, to be submitted to the Board by June 24, 2014; no public meetings will be held in the building until the accessibility features are completed*

*DM - second – carries unanimously*

9) Incoming: reVO Milking Facility, 87 New Spencer Road, Charlton (V14-118)

TH - EXHIBIT – variance application and all supplemental information  
- variance to 26.11 for door hardware, all doors are required to be locked with electronic swipe devices, including bathrooms  
- all visitors will always be accompanied by an employee

*MB - grant as proposed*

*CS - second – carries unanimously*

10) Discussion: 3L Place Life College, 50-52 Whitman St., Somerville (V13-310)

TH - EXHIBIT - April 22, 2014 submittal from owner of required policy  
- at hearing on March 24, 2014, ordered accommodation policy

*DM - accept the submitted policy*

*AB - second – carries unanimously*

11) Incoming: Pedestrian walkway, 161-163 Commonwealth Avenue, Boston (V14-118)

TH - EXHIBIT – variance application and supplemental information

- no submittal from the Petitioners about slopes of the sidewalk, and no letter from the City about allowing to do the work on their sidewalk

*MB - continue for more information regarding the finished cross slope*

*DM - second – carries unanimously*

*DM - send TH on site visit*

*AB - second – carries unanimously*

12) Incoming: Residences at the Harvard Club, 380 Commonwealth Avenue, Boston (V14-129)

TH - EXHIBIT – variance application and all supplemental information

- gut renovation and conversion into condo use

- over 30%

- seeking variance for one emergency egress door

- stairwell at Commonwealth Avenue, Level G

- need relief for change in level

*DM - grant*

*MB - second – carries unanimously*

13) Incoming Discussion: WB Mason Building, 59 Center Street, Brockton (V14-091)

TH - EXHIBIT – variance application and supplemental information

- stair 2, 3, and 4, seeking variance for interior, proposing wall mounted handrails

*CS - grant as proposed*

*DM - second – carries with AB abstaining*

TH - winder stairs

*DM - grant as proposed*

*MB - second – carries with AB abstaining and CS opposed*

14) Incoming: Flats on D Street, 405 D Street, South Boston (V14-116)

TH - EXHIBIT – variance application and supplemental information

- new construction

- 9.5.6, seeking variance for 5 units for floors 2-6 for inaccessible outlets that are lower than the required height, due to windows going all the way to the floor

*MB - grant*

*DM - second – carries unanimously*

15) Discussion: First Parish Church, 353 Great Road, Stow (V13-305)

TH - EXHIBIT – May 9, 2014 submittal from President of the Church Hector Constanzos

- policy regarding use of the other kitchen

- hearing held on March 24, 2014

- ramp at the front entrance will be \$29,000

- addition makes the building fully accessible

CS - grant as proposed for the front entrance  
DM - second – carries with MB opposed

TH - policy for the kitchen use  
- policy that anyone renting the access kitchen that cannot access it, can use the fellowship hall kitchen at no additional expense

MB - grant the lack of access at the vestry kitchen, based on the submitted policy, to be registered with the local registry of deeds  
DM - second – carries unanimously

16) Discussion: The Sinclair, 50 Church Street, Cambridge (V12-055)

TH - EXHIBIT – April 30, 2014 submittal from Michael Muehe  
- submitted response from Bhatti and not related to issue at the exterior lift

MB - conduct an unannounced site visit  
DM - second – carries unanimously

17) Incoming Discussion: Cahoon Museum of American Art, 46-76 Falmouth Rd., Cotuit (V14-105)

TH - EXHIBIT – May 12, 2014 submittal from owner  
- previously continued for more information, and ordered that no permits be issued until the matter was adjudicated

DM - hearing and continue motion for no permits to be issued  
MB - second – carries unanimously

18) Incoming: St. Luke's Episcopal Church, 201 Washington Avenue, Chelsea (V14-127)

TH - EXHIBIT – variance application and supplemental information  
- addition and reconstruction, over 30%  
- proposing LULA elevator installation in lieu of installing a full elevator  
- need to submit further review of entire building  
- EXHIBIT – new submittal from Petitioner, which will be review on June 16<sup>th</sup>

MB - grant the use of the LULA, based on the fact that it was proven that full elevator would be infeasible  
DM - second – carries unanimously

19) Incoming: Converse Hall, Amherst College, 100 Boltwood Avenue, Amherst (V14-123)

TH - EXHIBIT – variance application and all supplemental information  
- 3.3.1b jurisdiction  
- seeking variance for 2 ¼" handrails, instead of 2" required

CS - *grant as proposed*  
DM - *second – carries unanimously*

20) Incoming: Commercial Building, 69 Church St., Lenox (V14-121)

TH - EXHIBIT – variance application and supplemental information

- spending over 30%
- seeking variances to 28.12.1, for the use of a vertical wheelchair lift, don't meet any of the allowances by right
- have already received a variance from the Elevator Board for length of travel for the proposed vertical wheelchair lift
- seeking time for the completion of the lift and the allowance until September 15, 2014 for the completion of the lift
- temporary CO allowed already

CS - *grant the time variance to September 15, 2014 for the installation of the lift and allow extension of temporary CO until then*

DM - *second – carries unanimously*

21) Incoming: Holbrook Retail Building, 40 Union St., Holbrook (V14-122)

TH - EXHIBIT – variance application and all supplemental information

- creation of yoga studio on the second floor
- proposing vertical wheelchair lift and accessible toilet rooms
- spending \$130,500, and over 30%
- do not meet any of the by right allowances for the installation of the lift

CS - *grant*

MB - *second – carries unanimously*

22) Incoming: New 3 Family Building, Borelli Residence, 158 Cushing Street, Cambridge (V14-126)

TH - EXHIBIT – variance application and supplemental information

- existing 3-family, completely demolished and rebuilt
- required Group 1 at the first floor
- seeking variance for the lack of access at the front entrance, proposing variance based on accessible rear entrance
- seeking variance for lack of access to the lower level laundry

DM - *grant lack of access at the front entrance, on the condition that rear accessible entrance is created*

MB - *second – carries unanimously*

DM - *when the first floor unit is vacated, the building owner must install an accessible washer and dryer into the first floor unit,*

DM - *modify motion to grant the variance for the lack of access to the basement level laundry, on the condition that the hookup for the accessible washer and dryer is installed into the first floor unit now*

*AB - second – carries unanimously*

23) Incoming: Sidewalks and Curb Cuts at Driveways, Spruce Place, Boston (V14-129)

- TH - EXHIBIT – variance application and supplemental information
- proposing to build a very narrow sidewalk along the garages, 16” and 19” wide
  - the width of the sidewalk will be too narrow and proposing accessible route along the street

*CS - grant as proposed*

*DM - second*

*MB - due to the size of the ally and the available space*

*CS - based on the fact that technologically infeasible, and on the condition that the road is maintained and clear*

*- carries unanimously*

24) Discussion: Glass Factory Condo, 169 Monsignor Highway, Cambridge (C13-091)

- TH - EXHIBIT – letter from Matthew Gaines, May 22, 2014
- complaint filed regarding the lack of response to the request of the complainant for accessible parking
  - would like to email the attorney’s response to the Board and move the discussion to June 16<sup>th</sup>

MB - maybe just send to MOD for help in implementing the plan for her parking space

*DM - schedule a hearing and share with MOD*

*CS - second- carries unanimously*

25) Discussion: Cathedral High School, 74-76 Union Park Street, Boston (V09-109)

- TH - EXHIBIT – Matt Juros submittal dated May 13, 2014
- seeking request for a short extension to the June 1, 2014 deadline for the elevator completion
  - some delays and now requesting to July 1, 2014

*MB - grant extension to July 15, 2014*

*AB - second – carries unanimously*

**BRIEF BREAK**

26) Hearing: MIT Building #2, 182 Memorial Drive, Cambridge (V14-034)

- WW - called to order at 11 a.m.
- introduce the Board

Sonia Richards, MIT Program Manager (SR)

Thayer Donham, MIT Senior Campus Planner (TD)

- WW - all sworn in  
- EXHIBIT 1 – AAB1-64
- TH - Email from Michael Muehe dated May 28, 2014  
WW - EXHIBIT 2  
- email from Eileen Feldman, dated May 30, 2014  
WW - EXHIBIT 3  
- for all intents and purposes they both supported the variances with some conditions
- TD - built in 1916 and completed in 1939, over a million square feet of offices lab and classrooms  
- main entrance to the main group building is at Mass. Ave.  
- also an accessible entrance at 77 Mass. Ave. and 33 Mass. Ave.  
- proposed enhancing the connection across the courtyard, with a sloped walkway at the ziggurat and at the back half of that section of the building (Building 14)  
- \$1.5 million per accessible walkway, have to pull out the limestone bases and pull the base forward 5 feet and rebuild it  
- providing sloped walkways where they will get the most use  
- Also proposing two new entrances at Building 14  
- the entrance at the back of Building 2 is a half level below grade  
- main group building is completely interconnected with hallways and elevators (one currently not fully compliant)  
- proposing to renovate Building 1 in the next 10 years to mirror the Building 2 project
- MB - all of the “ramps” are actually sloped walkways
- CS - additional accessible entrance requested by Muehe and Feldman, why?  
TD - the ramp to that middle entrance would be additional cost
- SR - met with them May 17<sup>th</sup> or 24<sup>th</sup>, prior to their letters of support  
- showed both of them the sketches showing a ramp/walkway to that location  
- they did review it prior to the submittal of the letter, noting that they agreed that there was no additional benefit to creating access to the middle entrance, with the two accessible walkways proposed
- CS - question about route around campus  
WW - only issue is the route to this particular building
- MB - grant the variance for the lack of access to the East Entry and the West Portico entrances, based on the fact that the Petitioners had proven that the cost of compliance would be excessive without substantial benefit*  
*DM - second – carries unanimously*
- ER - proposing new compliant stair at southwest corner of the building, base on removal of existing stair



- stair at northeast corner of the building, proposing to maintain existing interior and install compliant wall mounted handrails
- 36" high and 2 1/2" wide at interior handrail
- nosings of the stair do have an overhang, however not abrupt based on small piece of steel
- first vertical wheelchair lift is proposed from fourth floor to mezzanine in ziggurat, only 11 students allowed at the mezzanine, and 19 students at the accessible level of the same space
- basement level, going into the lower level and creating a pit would be extremely difficult, vertical wheelchair lift to the lower level of the basement (down 36")

WW - any cost estimates for going down to the pile caps under the building

ER - did not study feasibility due to the engineer stating that they would not advise them to go beyond the pile caps

MB - there is some mitigation to the overhang, but no photograph only a plan submitted

ER - submittal of picture of nosings

WW - EXHIBIT 4

ER - parallel line installed under the original stair as a moulding, which acts as way to make it not as abrupt.  
- approximately 1/2" overhang

*MB - grant the variance for the stair nosing (521 CMR 27.3), based on exc. Cost without substantial benefit to persons with disabilities*

*DM - second – carries unanimously*

WW - interior handrails are existing; proposing compliant wall-mounted handrails

ER - yes, the existing interior handrails terminate at the newel posts  
- wall-mounted handrails will comply in full

*AB - grant as proposed, on the condition that a wall mounted compliant handrail installed at all existing stairs*

*DM - second – carries unanimously*

KS - LULA noted in the application, but it appears to be a vertical wheelchair lift that they are proposing

ER - yes, a platform lift is proposed, unsure of what a LULA is

SR - AAB 62 shows the elevator to basement, AAB 63-64 show the mezzanine at the ziggurat

*DM - grant the variance for the use of compliant vertical wheelchair lifts for the access to the mezzanine and to the lower basement level, based on technological infeasibility*

*AB - second – carries unanimously*

*CS - condition of the motion can be signage?*

*MB - they are directly adjacent to each other, so not needed*

27) Discussion: Mashpee Village, 1 Wompanoag Drive, Mashpee (V07-199)

- TH - EXHIBIT – letter from John Winslow on 5/27/14
- seeking additional time to complete the work
  - previous date of compliance of May 1, 2014
  - they just got their funding in October of 2013, so now going out to bid and waiting to close on the construction loan, and proposing to start the work again on July 1, 2014
  - seeking until September 1, 2015 for the final work to be completed

*MB - grant as proposed to extend to September 1, 2015*

*DM - second - carries unanimously*

28) Incoming Discussion: 11 Newcomb Street, Boston (V14-108)

- TH - EXHIBIT – variance application and supplemental information
- originally presented on 5/12/14
  - 5 story building being converted to 15 multiple dwelling units
  - only required to have compliant public and common use areas
  - seeking to maintain the existing elevator, which has a 28” door
  - dimensions are 38” by 40”, with 2’9 ½” wide door
  - height of 1<sup>st</sup> floor is 40” above grade, so also seeking a variance for the lack of access to the entrance of the building, based on the fact that it would require 40 feet of ramp

*MB - grant as proposed, based on technological infeasibility*

*DM - second - carries with CS opposed*

- TH - the rest of the variances are for entrances, common use paths of travel, and doors at upper levels

*DM - grant the remaining variance requests, based on technological infeasibility*

*MB - second – carries with CS opposed*

29) Discussion: Grafton Town House, One Grafton Common, Grafton (V10-081)

- TH - EXHIBIT – May 3, 2014 plan submittal for elevator project for Project Architect; also received an additional email from Town Manager that day that the Town had approved the funding for the project

*MB - accept the status report and make the plans part of the permanent record*

*DM - second – carries unanimously*

***LUNCH BREAK***

30) Hearing: Carter Memorial United Methodist Church, 800 Highland Avenue, Needham (V14-029)

- WW - called to order at 1 p.m.
- introduce the Board

Doug Sacra, Architect (DS)  
Tim Hue Miller, Chairman of Building Committee (TM)  
Joe Cocuzza, Member Building Committee (JC)  
Gary Shaw, Senior Pastor (GS)  
Laurie Perkins, Representative of Carter Memorial Church (LP)  
Lucinda Vietor, Representative of Carter Memorial Church (LV)

WW - all sworn in  
- EXHIBIT – AAB 1-56

WW - AAB 2 & 3 letter from Needham Commission  
- several areas where they support the variances requested, some with conditions

DS - removing center chimney  
- making entrance directly adjacent to parking lot accessible, adding an accessible vestibule  
- seeking a variance to the Tower Entrance, only open on Sunday morning  
- Hunnewell Street entrance has 5 feet of stairs, proposing no access  
- re-grading the accessible parking spaces to meet the 2% requirements, shown in drawing C3.1  
- Needham Commission asked that all entrances that are not egress only be made accessible

WW - accept Drawing C3.1 of accessible parking spaces and entrance as EXHIBIT 2

DS - variance #15, seeking ramp with handrail at one side, flush at both sides to the grass, no drop-off

CS - accessible entrances?

DS - Fish Entrance, Alfredton Entrance, or Administration Entrance  
- which is the main entrance?

DS - not really a main entrance, there are 7 entrances to the building, main usage is thru Administration Entrance during the week, or the Fish Entrance on Sundays

MB - preschool entrance is accessible?

DS - controlled entrance thru the Administration entrance, or by the Hunnewell Carter Center Entry  
- does anyone stop you at the administration entrance?

DS - no, you have to walk by at least one administration office, either at Carter Center Entrance or Administration Entrance  
- would expect that there is office staff at the Carter Center for Children Office, and wondering if there is the same maintenance of office staff at the administration office

CS - reasoning for the variances for the lack of access at the Hunnewell Entrance?

DS - costs are the main reasons

CS - why are you asking for no access at the Carter Center for Children Hunnewell Entrance?

DS - due to grade change  
- the other entrances are closer to grade

JC - nursery has set hours of drop-off and pickup  
- daycare is more towards the end of the day, the parking lot door (administration office) is the most common way that the daycare students are picked up  
- daycare is upstairs, so more likely to come into Administration Entrance

THM - administrators for the daycare are in the classrooms

MB - *GRANT the variances for the inaccessible entrances (Tower Entry, Entry to Stair 3, Hunnewell Street) (25.1 and 26.1.2), however need a written policy about if the child care center intends to lock the doors, then need to make Hunnewell entrance accessible or the main entrance to the childcare accessible, on the condition that the three proposed will be accessible*

DM - second –

MB - *would like specific sign that accessible entrance for Carter Childcare Center is at the Administration entrance*  
- *motion carries unanimously*

DS - doors  
- replaced a lot of doors to the stairways to make them comply in full  
- in all of the “Level 2 work areas” replacing all the door hardware  
- there are whole wings where no work is being done, so seek to maintain door hardware at these locations  
- lack of maneuvering clearance at 20 doors, will be fixed in some areas  
- some of the doors are in areas that are only used for storage and not on an accessible route  
- proposing that one classroom at the daycare and at the preschool will be fully accessible, with compliant sink and doors into the space  
- accessible toilet rooms down the hall  
- offices are all accessible, and all new spaces (serving kitchen, library, parlor and sanctuary)

MB - need to have the actual dimensions for each of the doors requested

MB - *continue the discussion regarding the doors(521 CMR 26.5, 26.6.3, 26.6.4, 26.11.1) to have the Petitioners submit details on all of the noncompliant dimensions or lack of door hardware to be submitted to the Board by June 10, 2014*

DM - second – *carries unanimously*

MB - deal with sinks  
KS - also need to know about flower/storage sink

MB - so sink used by employees?  
DS - not necessarily open to the public, but used by volunteers  
- everything at the stage is for storage

DM - *grant the variances for stage area*

*-withdrawn*

*MB - grant the variances for the 3 existing inaccessible sinks within the classrooms at the first and second floor*

*DS - CNS classroom 3 & 4, CCC Classroom 5, CCC Classroom 3, CNS Classroom 8 & 9, all have at least one inaccessible sink*

*MB - so grant the variance for the inaccessible sinks within those classrooms as noted, on the condition that the policy regarding the use of the sinks*

*DM - second – carries unanimously*

*DS - don't use the lower level stage area, use the floor  
- stage is used as storage*

*DM - grant the variance for the lack of access to the stage, on the condition that there is no use of the stage other than storage, if that use changes, must come back before the Board, or need to know that access is being provided*

*MB - second – carries unanimously*

*DM - grant the variance for the lack of access at the flower/ storage sink as long as it remains storage only*

*MB - second – carries unanimously*

*MB - deny the variance for the lack of compliant handrails at both sides, require compliant handrails at each side of the ramp*

*DM - second*

*DS - ramp is 10 feet wide*

*TH - commission states that they would like handrails at both sides*

*DS - slope of the ramp is less than 8%*

*MB - withdraw the motion*

*DM - continue the discussion on the ramp to discuss a center handrail, with edging at both sides of the ramps, need something from the Needham Commission about this proposal*

*MB - second*

*TH - all 3 parties need to be given any new submittals  
- carries unanimously*

*DM - continue the remainder of the case until the next meeting of the Board*

*CS - second – carries*

MB no longer in the room, Jeffrey Dougan as designee for MOD

31) Discussion: Emmanuel Baptist Church, 45 Central St., Ipswich (V14-098)

*JD - reopen the Blackington Building (V14-007)*

*DM - second – carries unanimously*

JD - seeking three years to complete the access at the first floor; and 5 years to submit plan for access to the second floor

DM - *granting time variance to November 15, 2014*  
- *withdrawn*

DM - *grant a time variance to complete the first floor access upgrades by May 31, 2015*

JD - *second – carries unanimously*

JD - five years for a plan to be submitted access to the second floor

DM - *grant time variance for plan for access to the second floor to be submitted by May 31, 2015*

JD - *second – carries unanimously*

TH - need to set the date and conditions (status reports, shop drawings for the equipment, deposit check)

DM - *second floor access plans be completed by May 31, 2017, with status reports starting December 1, 2015 and every 6 months thereafter, with a copy of the deposit check, shop drawings and signed contract for the installation of the vertical access*

JD - *second- carries unanimously*

JD - *expedite the decision*

DM - *second – carries unanimously*

**JD left the room, MB now present**

32) Incoming: One on One Self Indulgence Spa, 457 Great Road, Acton (V14-080)

TH - allowed permit and Temporary CO for first floor only

- hearing scheduled for July 14, 2014

- disability commission and building department are now in favor of the variance application, now hydrotherapy tub is moved to the first floor, overflow use at second floor

- seeking full occupancy of both floors, variance for the lack of access to the second floor, and cancellation of the hearing

CS - *grant the variance for the lack of vertical access, on the condition that as proposed, there are duplicate services at the second floor, and all services available at the first floor*

AB - *second – carries unanimously*

CS - *cancel the hearing for July 14<sup>th</sup> at 2 p.m.*

AB - *second – carries unanimously*

CS - *allow a full certificate of occupancy for both floors*  
AB - *second – carries unanimously*

33) Incoming Discussion: Halibut Point Visitor Parking Lot, Gott Avenue, Rockport (C13-037 & V14-125)

TH - EXHIBIT – variance application and supplemental information

CS - *hearing*  
DM - *second – carries unanimously*

34) Discussion: Condo Units, 215-219, 101 Main St., Medford (V13-342)

TH - EXHIBIT – May 12, 2014 submittal from Kevin Hastings about scheduling policy  
- new policy submitted, with bulleted information about persons with disabilities towards the top of the policy

AB - *accept the revised policy*  
MB - *second – carries with DM abstaining*

35) Discussion: Stonewood Tavern, 139 Lynnfield St., Peabody (V13-218)

TH - EXHIBIT – May 7, 2014 submittal from owner showing the lift has been inspected

DM – *accept the submittal of the inspection certificate as meeting the decision of the Board*  
MB - *second – carries unanimously*

36) Incoming Discussion: Taco Truck, 83 Mt. Auburn St., Cambridge (V14-109)

TH - EXHIBIT – May 19, 2014 letter from Greg Vasse seeking amendment  
- seeking to only use one handrail

MB - *maintain denial of handrails*  
DM - *second – carries unanimously*

TH - seeking 30 days to complete the opener at the door

MB - *grant to July 1, 2014 for the entrance work to be completed*  
DM - *second – carries unanimously*

37) Incoming: Tribune Apartments, 46 Irving Street, Framingham (V14-124)

TH - EXHIBIT- variance application and all supplemental information  
- over 30%  
- seeking one variance to the front entrance of the building  
- accessible entrance at the rear

DM - *grant as proposed*  
MB - *second – carries unanimously*

38) Incoming: Commercial Space #534, 532-536 Cambridge St., Cambridge (V14-119)

- TH - EXHIBIT – variance application and supplemental information
- mixed use building, upper residential, ground floor retail, all residential units were renovated
  - retail space is only 602 square feet
  - ramp cost is \$32,175 and takes up substantial portion of interior; lift is \$19,425
  - proposing automatic door on a sloped landing, with a slope of approximately 1:4
  - need more information about moving the door into the space, and maybe get a 1:10 slope

*DM - continue for another option showing the door being moved in with no 18" pull clearance*

*AB - second – carries unanimously*

39) Discussion: Casco Crossing (Buildings 1-4 and Community Building), 168 River Road, Andover (C14-012 & V14-131)

- TH - EXHIBIT – new complaint from another tenant, not yet cited
- sought building plans and all permits for this building
  - on May 19, 2014 variance was submitted by Vernon Woodworth seeking relief from everything except parking
  - would like to schedule an expedited hearing on the complaint and variance

*DM - schedule an expedited hearing, for July 14, 2014*

*CS - second – carries with MB abstaining*

40) Discussion: Whitman Park, Park Avenue, Whitman (C13-000)

- TH - EXHIBIT – April 29, 2014 submittal from Francis Lyman, Town Administrator
- submittal said that plan for compliance implemented by September of 2014
  - accessible routes throughout the parks, replacement of the stairs triggered access to the gazebo
  - seeking time for the study for access to the gazebo
  - can adopt the plan for compliance, excluding the gazebo

*CS - accept the plan for the compliance, with the exception of the gazebo*

*DM - second – carries with MB abstaining*

- TH - seeking additional 6-9 months for the review of the gazebo

*CS - grant them to allow until December 1, 2014 for the submittal of plan for access to the gazebo*

*DM - second- carries with MB abstaining*

41) Discussion: Arrowhead Museum, 780 Holmes Road, Pittsfield (V13-316)

- TH - EXHIBIT- May 20, 2014 email from June Hailer,
- April 28, 2014, granted 2 year time variance for entrances and 3 years for toilet rooms, on the condition that barn toilet rooms completed by July 1, 2014
  - Commission requesting quarterly reports for construction and fundraising
  - Commission would like to change the decision and order that they start submitting reports for both

*DM - reopen*

*MB - second – carries unanimously*

*DM - requiring status reports regarding construction and fundraising, starting July 1, 2014 and every 3 months thereafter*



CS - second – carries unanimously

42) Incoming Discussion: Proposed Northampton Station, Railroad Ave., Northampton (V14-016) & Greenfield Station, 12 Olive Street, Greenfield (V14-017)

TH - previously denied use of mini-highs for these new station  
- EXHIBIT – May 22, 2014 letter from Dr. Beverly Scott of MassDOT  
- seeking to stay the 30 day deadline for the response to the original notice of action (issued on 2/13/14)  
- seeking to grant an extension of time for full high level platforms, proposing temporary platforms at these two stations (46 feet long) allowing level entry at one car of the train, all passengers will be required to use this platform, and will move the train cars to the platform if need be  
- accessible parking and platforms proposed  
- temporary platforms in place by the end of 2014, and will be used for approximately 14 months, no interruption of service for the construction of the fully high permanent platforms  
- seeking until December 31, 2015

MB - grant as proposed

DM - second – carries unanimously

MB - waive the 30 day appeal period and accept the appeal

AB - second- carries unanimously

43) Discussion: Minutes and Decisions from May 12, 2014

DM - accept

AB - second – carries with CS abstaining

### **NO MORE DM – Loss of quorum**

44) Hearing: First Congregational Church Truro, 3 First Parish Lane, Truro (V14-056)

WW - call to order at 3:15 p.m.

- state the fact that there was an unexpected loss of quorum, can proceed with the hearing with the Board of four, and will have at least one other Board Member review the matter and a decision will be rendered and expedited

Ann Keenan, Friends of Truro Meeting House (AK)

Mark Almeda, Architect (MA)

Peter Swanson, Moderator/ Finance Chair (PS)

Ann Swanson, Friends of Truro Meeting House Treasurer (AS)

WW - proceed or reschedule

ALL PARTIES present want to proceed with the hearing as proposed

- All sworn in

PS - built in 1827, oldest public building in Truro and oldest house of worship on the cape  
- 1841 tragedy, the meeting house was abandoned and left virtually unchanged  
- put in electricity in 1950's and put in indoor plumbing in the 1990's  
- no room to expand the parking due to existing graveyards and private property  
- now registered on National Registry of Historic Places

MA - project started with a survey of the building

- first thing that looked at was safety and structural issues, which resulted in current proposed work
- truss work has been completed and funded
- also funded to create an accessible walkway to the front of the meeting house
- that work was put on hold when it was found that the foundations were failing and that those would need to be supported
- need to replace the other set of stairs now as well
- the work estimated is \$600,000, so more than 30%
- have not done the foundation work, since awaiting for the decision of the board about the other entrances to the building
- that work is funded
- hoping to fund phase 3 work and complete by 2016
- building is surrounded by a cemetery, and gravestones within 5-6 feet of the building at all sides

MA - placement of wheelchair spaces, seeking time to cluster the 4 accessible spaces by removing the first couple of existing pews

- church is 40' by 60', most people sit in the front of the building, no sound system provided

CS - how many seats all together

PS - 180, but the peak attendance is 70; with average public service averaging 27 people

MA - balcony is not used, zero occupancy load for that space

MA - accessible route at two aisles, varies from 36 ½" to 35 ¼"

KS - time variance for wood thresholds?

MA - will be done when the entrance work is completed

MA - AAB 14-15

- because of the topography of the property, seeking to create two parallel accessible parking spaces
- there is no formal parking provided
- this would just be a level area created for an accessible parking location
- will provide signage that those two spaces are reserved for accessible parking

CS - would like to make sure that one states that it is for van accessible parking only

MA - raised chancel

- 19" above the main floor
- looked at lifts and ramps
- ramp would require 8 rows of pews, and would have to move the piano and make the chancel smaller

PS - previous pastor cracked his pelvis and preached from the floor

MA - on the occasion that need to, can bring the lectern down to the floor level when needed

PS - AAB 18, is what would be required to comply with the letter of the law, but would prefer to maintain the historic chancel and provide policy for lack of access to the chancel

MB - Mass. Historic would probably not allow the change to the chancel

MA - removing 2 pews to provide accessible seating and provide more space at the front of the church

- AK - Friends of the Meeting House are trying to raise the funds to preserve the building  
- would take a long time to raise \$70,000 for the access to the chancel
- MA - entrances, one is funded (southwest entrance)  
- plans of the proposed accessible entrance
- WW - accept plans of entrance (SkA 1.0, 1.1 and 1.2) as EXHIBIT 2
- MA - to either side of the vestry there are two entrances to the church  
- accessible walkway proposed at southwest entrance  
- SKA 1.1 section plans  
- foundation work will require removing the existing stairs  
- proposing to put stairs back at the southeast entrance
- MB - seems that there is no substantial benefit to create access to both entrances since they both lead to the same location  
MA - yes
- PS - accessible restroom is directly adjacent to the proposed accessible entrance
- MA - stairs to the balcony  
- stairs are steep and narrow winders and are blocked off, since they access the storage at the mezzanine level
- MB - if not open to the public, then don't need a variance  
TH - but will need a variance from the church that the mezzanine level and stairs are for employees only
- MA - there is an existing kitchen within the building  
- kitchen does not comply at all as currently laid out  
- anything that is portable can be made accessible, do not use the sink and cabinets
- PS - hospitality area, only has microwave, mini-fridge and sink  
- the sink is not often used, all of the food is brought into the facility  
- no cooktops within the kitchen  
- the room is used for parish meetings or after service tea and cookies
- CS - is there an accessible surface?  
AK - there are several tables within the space that are accessible
- PS - letter from Truro Commission on Disability  
WW - EXHIBIT 3
- END OF HEARING

45) Advisory Opinion: 200 Boylston St., Boston

- TH - May 23, 2014 submittal from Doug Anderson  
- design for winder treads  
- stair treads are 11" deep measured at the center, and based on tolerances, and the tread depth is 10 ½" at the interior and 11 ½" at the exterior, and fall within tolerances of Section 2

AB - appears that they would need a variance

46) Advisory Opinion: DrinkMaster Bartending School

TH - May 28, 2014 e-mail about DrinkMaster Bartending School  
- proposing lower table within the bartending school

MB - should be more inclusive of all the elements behind the bar like the bar rail and sink

TH - need to know, as a student, if this is enough

MB - is it sufficient space to learn the elements needed to pass the test given

47) Discussion: Crossings at South Dennis

TH - new building built in 2004, first floor retail and 8 units above with no elevator  
- Building Department stated that they missed the requirement  
- proposing to create 10 Group 1 units at the first floor, via the submittal of the variance

48) Advisory Opinion: Paving Alternatives, Shirley

TH - EXHIBIT – May 7, 2014 submittal from Richard Smith  
- review of different paving materials  
- proposing route across the existing fields and looking at grass/turf block pavers

MB - it works if people know where to walk

TH - ok, so need further plan showing the route, and how it will be designated

49) Advisory Opinion: Pilot House, Louis Wharf, Boston

TH - EXHIBIT – May 7, 2014 email from Lopes and Ieari  
- project proceeded on the fact that they were separate buildings  
- project was done already and partial application submitted with current 2014 values listed

CS - need to know if there are separate deeds

MB - yes, but if there is a hole in the wall that connects the two parcels then aren't they one

- End of Meeting -

EXHIBITS:

- Isaac Hayes Cary Memorial Building, 1605 Massachusetts Avenue, Lexington (V13-238) : Don Mills  
May 7, 2014 submittal
- 40 Norris Street, Cambridge (V12-293) : May 23, 2014 submittal from Dominic Valente
- Saus, 33 Union Street, Boston (C13-061) : picture submittal of completed work from owner
- Berkshire Museum, 39 South Street, Pittsfield (V07-170) : submittal from owner that elevator is in
- Mixed Use Building, 299 & 301 Newbury St., Boston (V12-159 & V12-161) : plans for installation of  
vertical wheelchair lift, submitted by Robin Duffy, Senior Property Manager
- Concord Acton Squash Club, 29 Knox Trail, Acton (V14-087) : May 19, 2014 submittal from owner

- East Templeton Elementary School, 160 Patriots Road, East Templeton (V14-099) : 5/27/14 letter from Board of Selectman, with new time variance proposed: ramp to be built by September 1, 2015 and toilet rooms by December 1, 2015
  - 3L Place Life College, 50-52 Whitman St., Somerville (V13-310) : April 22, 2014 submittal from owner of required policy
  - First Parish Church, 353 Great Road, Stow (V13-305) : May 9, 2014 submittal from President of the Church Hector Constanzos
  - The Sinclair, 50 Church Street, Cambridge (V12-055) : April 30, 2014 submittal from Michael Muehe
  - Cahoon Museum of American Art, 46-76 Falmouth Rd., Cotuit (V14-105) : May 12, 2014 submittal from owner
  - Glass Factory Condo, 169 Monsignor Highway, Cambridge (C13-091) : letter from Matthew Gaines, May 22, 2014
  - Cathedral High School, 74-76 Union Park Street, Boston (V09-109) : Matt Juros submittal dated May 13, 2014
  - Mashpee Village, 1 Wompanoag Drive, Mashpee (V07-199) : letter from John Winslow on 5/27/14
  - Grafton Town House, One Grafton Common, Grafton (V10-081) : May 3, 2014 plan submittal for elevator project for Project Architect; also received an additional email from Town Manager that day that the Town had approved the funding for the project
  - One on One Self Indulgence Spa, 457 Great Road, Acton (V14-080) : submittal from Acton Commission on Disability and Acton Building Department
  - Condo Units, 215-219, 101 Main St., Medford (V13-342) : May 12, 2014 submittal from Kevin Hastings about scheduling policy
  - Taco Truck, 83 Mt. Auburn St., Cambridge (V14-109) : May 19, 2014 letter from Greg Vasse seeking amendment
  - Stonewood Tavern, 139 Lynnfield St., Peabody (V13-218) : May 7, 2014 submittal from owner showing the lift has been inspected
  - Casco Crossing (Buildings 1-4 and Community Building), 168 River Road, Andover (C14-012 & V14-131) : new complaint from another tenant, not yet cited; May 19, 2014 variance was submitted by Vernon Woodworth seeking relief for all noncompliant areas of the building, except parking
  - Whitman Park, Park Avenue, Whitman (C13-000) : April 29, 2014 submittal from Francis Lyman, Town Administrator
  - Arrowhead Museum, 780 Holmes Road, Pittsfield (V13-316) : May 20, 2014 email from June Hailer
  - Proposed Northampton Station, Railroad Ave., Northampton (V14-016) & Greenfield Station, 12 Olive Street, Greenfield (V14-017) : May 22, 2014 letter from Dr. Beverly Scott of MassDOT
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- 200 Boylston St. , Boston : May 23, 2014 submittal from Doug Anderson
  - DrinkMaster Bartending School : May 28, 2014 e-mail about DrinkMaster Bartending School
  - Paving Alternatives, Shirley : May 7, 2014 submittal from Richard Smith
  - Pilot House, Louis Wharf, Boston : May 7, 2014 email from Lopes and Iearldi
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- reVO Milking Facility, 87 New Spencer Road, Charlton (V14-118) : variance application and all supplemental information
  - Pedestrian walkway, 161-163 Commonwealth Avenue, Boston (V14-118) : variance application and supplemental information
  - Residences at the Harvard Club, 380 Commonwealth Avenue, Boston (V14-129) : variance application and all supplemental information

- WB Mason Building, 59 Center Street, Brockton (V14-091) : variance application and supplemental information
- Flats on D Street, 405 D Street, South Boston (V14-116) : variance application and supplemental information
- St. Luke's Episcopal Church, 201 Washington Avenue, Chelsea (V14-127) : variance application and supplemental information
- Converse Hall, Amherst College, 100 Boltwood Avenue, Amherst (V14-123) : variance application and all supplemental information
- Commercial Building, 69 Church St., Lenox (V14-121) : variance application and supplemental information
- Holbrook Retail Building, 40 Union St., Holbrook (V14-122) : variance application and all supplemental information
- New 3 Family Building, Borelli Residence, 158 Cushing Street, Cambridge (V14-126) : variance application and supplemental information
- Sidewalks and Curb Cuts at Driveways, Spruce Place, Boston (V14-129) : variance application and supplemental information
- 11 Newcomb Street, Boston (V14-108) : variance application and supplemental information
- Halibut Point Visitor Parking Lot, Gott Avenue, Rockport (C13-037 & V14-125) : variance application and supplemental information
- Tribune Apartments, 46 Irving Street, Framingham (V14-124) : variance application and all supplemental information

Matters not reasonably anticipated 48 hours in advance of meeting:

- Discussion: Berkshire Museum, 39 South Street, Pittsfield (V07-170)
- Incoming Discussion: Concord Acton Squash Club, 29 Knox Trail, Acton (V14-087)
- Incoming Discussion: WB Mason Building, 59 Center Street, Brockton (V14-091)
- Discussion: Whitman Park, Park Avenue, Whitman (C13-000)
- Discussion: Glass Factory Condo, 169 Monsignor Highway, Cambridge (C13-091)
- Discussion: Mashpee Village, 1 Wompanoag Drive, Mashpee (V07-199)